

### **REMARKS**

The present Amendment amends claims 1 and 9-11 and cancels claims 2-8 and 12-15. Therefore, the present application has pending claims 1 and 9-11.

In paragraph 4 of the Office Action the Examiner objected to the drawings as allegedly not complying with the requirements of 37 CFR §1.84(p)(5). In paragraph 4 of the Office Action the Examiner objected to the drawings as not illustrating the elements corresponding to reference numeral 1a, 1b, 2a, 2b and 12. Filed on even date herewith is Proposed Drawing Correction/Replacement Sheet adding the above noted reference numerals to Fig. 1. Therefore, this objection is overcome and should be withdrawn.

Claim 12 stands objected to due to informalities noted by the Examiner in paragraph 5 of the Office Action. As indicated above, claim 12 was canceled. Therefore, this objection is rendered moot. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

Claim 9 stands rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Various amendments were made to claim 9 to bring it into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Specifically, amendments were made to claim 9 to overcome the objections noted by the Examiner in paragraphs 6 and 7 of the Office Action.

The Examiner's cooperation is respectfully requested to contact Applicants' Attorney by telephone should any further indefinite matter be discovered so that appropriate amendments may be made.

Claims 9-11 stand rejected under 35 USC §102(e) as being anticipated by Don (U.S. Patent No. 6,732,231); claims 12 and 13 stand rejected under 35 USC §102(e) as being anticipated by Wang (U.S. Patent No. 6,898,727); claims 1-4 stand rejected under 35 USC §103(a) as being unpatentable over Don in view of Wang; claims 5-8 and 15 stand rejected under 35 USC §103(a) as being unpatentable over Don in view of Wang and Tzelnic (U.S. Patent No. 6,366,987); and claim 14 stands rejected under 35 USC §103(a) as being unpatentable over Wang in view of Don and Tzelnic. As indicated above, claims 2-8 and 12-15 were canceled. Therefore, the above noted rejections of claims 2-8 and 12-15 are rendered moot. Accordingly, reconsideration and withdrawal of the above described rejections of claims 2-8 and 12-15 is respectfully requested.

The above noted rejections with respect to the remaining claims 1 and 9-11 are traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 1 and 9-11 are not taught or suggested by Don, Wang or Tzelnic whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

Particularly, amendments were made to claims 1 and 9-11 so as to more clearly recite features of the present invention not taught or suggested by Don, Wang or Tzelnic whether taken individually or in combination with each other as suggested

by the Examiner. Specifically, amendments were made to claim 1 from which claims 9-11 were amended to depend to more clearly recite that the present invention is directed to a computer system having a first computer, a first storage subsystem connected to the first computer, a second storage system connected to the first storage system and a second computer connected to the second storage subsystem.

According to the present invention, the first computer transmits configuration information present thereon to the first storage subsystem, the first storage subsystem stores the configuration information at a predetermined location in the first storage subsystem and transfers data, which contains the configuration information and is stored in the first storage subsystem to the second storage subsystem. The second storage subsystem receives the data sent by the first storage system, checks if the data contains the configuration information and stores the configuration information at a predetermined location in the second storage subsystem.

Further, according to the present invention, the second computer checks if the configuration information is stored at the predetermined location in the second storage system, reads the configuration information from the predetermined location, determines various variables, which are employed in the second computer, according to information contained in the configuration information and configures the second storage subsystem based on the various variables and the configuration information. When the first computer updates the transfer data, the first storage subsystem transmits the updated to the second storage subsystem and the second

storage subsystem stores the updated data at a location other than the predetermined location at which updated data should be stored in the second storage subsystem.

Still further according to the present invention, the second storage subsystem compares information contained in the configuration information transferred from the first storage subsystem with information on the configuration of the second storage subsystem and if the information disagrees with each other, then storing of the configuration information at a predetermined location is suspended.

Even further still according to the present invention, the configuration information contains an identifier with which a volume, the first storage system provides for the first computer, is identified and information on a directory in which the volume is mounted and the predetermined location in the first storage system subsystem is a leading location in the volume.

According to the present invention, the configuration information contains information on environmental variables relevant to the first computer, database definition information on a database management system that runs in the first computer and the first storage system, application definition information on an application that runs in the first computer, and configuration definition information which indicates which part of a file system volumes containing the data are assigned.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, these

features are not taught or suggested by Don, Wang or Tzelnic whether taken individually or in combination with each other as suggested by the Examiner.

Don discloses a system and method for managing mirrored storage devices wherein each storage device uses a special data structure containing identification information of the storage device. Don teaches that the special data structure is stored in a predetermined location on the target storage device.

However, at no point is there any teaching or suggestion in Don that the identification information which forms a part of the special data structure, for example, as illustrated in Fig. 11 of Don, is information regarding the configuration of a computer system or of a storage device as in the present invention. The storage device identification information 302 as taught by Don simply identifies the storage device but does not provide any information whatsoever regarding the configuration of the computer system which accesses a storage device nor the configuration of the storage device itself as in the present invention.

Thus, Don fails to teach or suggest configuration information which contains information on environmental variables relevant to the first computer, wherein the information on environmental variables includes information on storage locations in the first storage subsystem of definition information files containing definition information, database definition information on a database management system that runs in the first computer and the first storage subsystem, wherein the database system manages data contained in a database stored in the first storage subsystem, application definition information on an application that runs on the first computer, wherein the application processes the data of the database, and configuration

definition information which indicates to which part of a file system volumes containing the data are assigned as recited in the claims.

Therefore, as per the above, Don fails to teach or suggest the features of the present invention as now more clearly recited in claim 1. As noted above, claims 9-11 were amended to depend from claim 1. Accordingly, reconsideration and withdrawal of the 35 USC §102(e) rejection of claims 9-11 and as being anticipated by Don is respectfully requested.

It should be noted that claims 9-11 recite additional features other than those noted above which are also not taught or suggested by Don. For example, claim 9 recites that if the configuration information is not stored than configuration information is created and transmitted to the first storage subsystem, claim 10 recites that, when the configuration is stored at the predetermined location the first computer reads the configuration information and sets up the first computer according to the contents of the configuration information, and claim 11 recites that the setting up of the first computer includes mounting a volume which is included in the first storage system in the file system. These features are clearly not taught or suggested by Don.

The above described features of the present invention now more clearly recited in claim 1 shown above not to be taught or suggested by Don are also not taught or suggested by any of the other references of record particularly Wang and Tzelnic. Therefore, combining the teachings of Don with one or more of Wang and Tzelnic still fails to teach or suggest the features of the present invention now more clearly recited in the claims.

Wang is merely relied upon for an alleged teaching that configuration information is transmitted from the first computer to the first storage system and that the configuration information is transferred from the first storage system to the second storage subsystem as in the present invention.

Wang teaches the forming of configuration information and the transferring of the configuration information along with the data from a first host to a second host. However, there is no teaching or suggestion in Wang of the configuration information as recited in the claims and the specific uses of such configuration information as in the present invention.

As described above, the configuration information according to the present invention includes information on environmental variables, database definition information, application definition information and configuration definition information. In the Office Action the Examiner alleges that Wang teaches the environmental variable information, the database definition information and the application definition information. However, upon review of the alleged environmental information, database definition information and application definition information in Wang it is quite clear that these teaching are not equivalent to the configuration information as now more clearly recited in the claims.

Particularly, according to the present invention the environmental variable information includes information on storage locations in the first storage subsystem of the definition information files containing definition information as in the present invention. The alleged environmental variable information in Wang does not provide

such information regarding the location of definition information files as in the present invention.

Further, the alleged database definition information of Wang does not teach or suggest that the database information indicates a database system that manages data contained in a database stored in the first storage subsystem as in the present invention.

Still further, the alleged application definition information of Wang does not correspond to the application definition information of the present invention as recited in the claims. According to the present invention as recited in the claims the application definition information indicates an application which processes the data of the database. Such features are clearly not taught or suggested by Wang.

In addition, there is no teaching or suggestion in Wang of the configuration definition information as now recited in the claims. According to the present invention, the configuration definition information indicates to which part of a file system volumes containing the data are assigned. Applicants fail to find any such teaching in Wang.

Therefore, Wang, the same as Don, fails to teach or suggest that the configuration information contains information on environmental variables relevant to the first computer, wherein the information on environmental variables includes information on storage locations in the first storage subsystem of definition information files containing definition information, database definition information on a database system that runs in the first computer and the first storage subsystem, wherein the database system manages data contained in a database stored in the



first storage subsystem, application definition information on an application that runs in the first computer, wherein the application processes the data of the database, and configuration definition information which indicates to which part of a file system volumes containing the data are assigned as recited in the claims.

Therefore, both Don and Wang suffer from the same deficiencies relative to the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claim 1 as being unpatentable over Don in view of Wang is respectfully requested.

The above noted deficiencies of both Don and Wang are also evident in Tzelnic.

Tzelnic is merely relied upon by the Examiner for an alleged teaching of a backup storage system. Thus, it is quite clear that Tzelnic does not supply any of the above described features regarding the contents of the configuration information and its use as now more clearly recited in the claims, said features not taught or suggested by either of Don or Wang or their combination.

Thus, Tzelnic fails to teach or suggest the features of the present invention as now more clearly recited in the claims the same as Don and Wang. Accordingly, combining the teachings of Don, Wang and Tzelnic in the manner suggested in the Office Action still fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of the claims as being unpatentable over the combination of Don, Wang and Tzelnic is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-15.

In view of the foregoing amendments and remarks, applicants submit that claims 1 and 9-11 are in condition for allowance. Accordingly, early allowance of claims 1 and 9-11 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (TMI-127).

Respectfully submitted,

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